



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
1322 PATTERSON AVENUE, SE, SUITE 1000
WASHINGTON NAVY YARD, DC 20374-5065

5720
Ser BD/115
OCT 31 2018

Ms. Deborah J. Nelson
Thomson Reuters
7411 Maple Avenue
Takoma, MD 20912

Dear Ms. Nelson:

Subj: YOUR FREEDOM OF INFORMATION ACT (FOIA); CASE NUMBER
DON-NAVY-2018-006632

We are writing to provide an interim response to your request where you seek:

“...records concerning military family housing at Camp Pendleton and the related public/private venture: 1. The most recent and the 2003 annual 'independently audited statements showing the operations of the Company during the then-ended year' required in Article 7 of the 5th Amended and Restated Limited Liability Company Operating Agreement of Camp Pendleton & Quantico Housing LLC- code compliance reports submitted by or on behalf of TMAD Taylor & Gaines concerning Camp Pendleton military family housing; 2. All notices of construction consultant deficiencies at Camp Pendleton for military family housing; 3. The exhibits and attachments to the operating agreement (but not operating agreement itself); 4. The design-build contracts with exhibits/attachments for Del Mar, Wire Mountain I, II and III; 5. the ground lease(s) and attachments.”

We have enclosed six records, which are being released to you in part. Portions of these materials are being withheld under the following FOIA Exemptions:

- 1) Exemption 4 - 5 U.S.C. § 552(b)(4). Exemption 4 protects trade secrets and commercial or financial information that is privileged or confidential. The redactions marked “(b)(4)” also are justified under Exemption 5 (5 U.S.C. § 552(b)(5)). Exemption 5 protects information that is deliberative work product protected under the common interest doctrine.
- 2) Exemption 6 - 5 U.S.C. § 552(b)(6). Exemption 6 protects information that, if disclosed, would invade another individual’s personal privacy.

This case will remain open while the Initial Denial Authority (IDA) challenges Lincoln Military Housing LLC, about the extent of the redactions. If you consider this to be an adverse determination, you may appeal. Since you have created an account in FOIAonline, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the “Create Appeal” tab in the left-hand

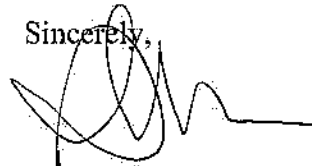
column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-01, ogis@nara.gov; (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Any questions you may have regarding this interim release should be directed to Abby Machalec, abby.machalec@navy.mil. Please refer to your FOIA case number DON-NAVY-2018-006632 whenever corresponding about this request.

Sincerely,



P. A. POLLOCK
Chief Management Officer

Enclosure: Six PDF Records

Copy to:
NAVFAC (AM)